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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,512	11/14/2003	Jean Ellen Johnson	STEA-1-1001	9836
25315	7590	10/01/2004	EXAMINER	
BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			AVILA, STEPHEN P	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/714,512	JOHNSON, JEAN ELLEN
	Examiner	Art Unit
	Stephen Avila	3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 November 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-50 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-33,36,37,39-41 and 44-50 is/are rejected.
- 7) Claim(s) 34,35,38,42 and 43 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>122203</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 8, 9, 11, 15, 21, 22, 44, and 46 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brown. Brown discloses a method and apparatus for a personal floatation device with a covered belt 34, a buoyant material 31, and a cover 33. Note that Brown further discloses stitching 36 near the cover openings.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 16, 17, 26-28, 45, 47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Khanamirian. Brown does not disclose a stretchable neoprene cover. Khanamirian teaches a stretchable neoprene cover (column 3, lines 18-36). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the cover of Brown to be of stretchable neoprene as taught by Khanamirian for superior fit, form, function, protection and to be aesthetically pleasing. Additionally, with respect to claim 28, it would have been an obvious choice of engineering design to a person of ordinary skill in the art at the time

the invention was made would have been to form the belt of Brown of nylon webbing for high strength and light weight.

5. Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown. It would have been an obvious choice of engineering design to a person of ordinary skill in the art at the time the invention was made would have been to form the belt of Brown of nylon webbing for high strength and light weight.

6. Claims 6, 7, 10, 12-14, 19, 20 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Steger et al. Brown does not disclose stitching near two locations near the ends with a bar tack. Steger et al teach a belt 46 stitched in multiple places near ends with a bar tack (note paragraph 0024). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the stitching of Brown with multiple places near the ends with bar tacks as taught by Steger et al for high strength and improved safety.

7. Claims 29-33, 36, 37, 39-41, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Khanamirian as applied to claim 2 above, and further in view of Steger et al. Brown does not disclose stitching near two locations near the ends with a bar tack. Steger et al teach a belt 46 stitched in multiple places near ends with a bar tack (note paragraph 0024). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the stitching of Brown with multiple places near the ends with bar tacks as taught by Steger et al for high strength and improved safety.

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8. Claims 34, 35, 38, 42, and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Avila whose telephone number is 703-308-2578. The examiner can normally be reached on Monday to Thursday from 8 AM to 4 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen Avila
Primary Examiner
Art Unit 3617

Stephen Avila